

Based on population and emissions data submitted by the Commonwealth, 120 days after enactment of the 1990 Amendments, with its original March 15, 1991 letter; EPA has determined that the Commonwealth's November 7, 1994, request to revise the boundary of the Charles City County portion of the Richmond nonattainment area meets the criteria for designating an area smaller than an entire county. Furthermore, EPA believes that this request, to exclude a portion of the County, would have been approved had it been submitted prior to the November 6, 1991 rulemaking. Today's action will relieve the attainment portion of Charles City County from meeting the Part D requirements of the CAA.

**Final Action**

In the Federal Register of November 6, 1991 (56 FR 56694), EPA issued a final rule promulgating the

designations, boundaries, and classifications of ozone nonattainment areas (and for nonattainment areas for other pollutants not addressed in this action). Pursuant to section 110(k)(6), EPA is correcting the boundary of the Richmond nonattainment area to exclude all of Charles City County west of Route 156. The boundaries for the Charles City County portion of the Richmond nonattainment area include the area surrounding the air quality monitor and the urbanized portion of the county that is contiguous with the rest of the Richmond nonattainment area.

In accordance with CAA sections 107(d)(2)(B) and 110(k)(6), today's action is a final rule and is not subject to the notice and comment provisions of sections 553 through 557 of Title 5.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: October 16, 1995.  
Carol M. Browner,  
*Administrator.*

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

**Subpart C—Section 107 Attainment Status Designations**

4. In § 81.347 the ozone table is amended by revising the entry for "Charles City County" under the "Richmond Area" and the "AQCR 225 State Capital Intrastate" to read as follows:

**§ 81.347 Virginia.**  
\* \* \* \* \*

**VIRGINIA—OZONE**

Designated Area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
* * * * *				
Richmond Area: Charles City County (part) Beginning at the intersection of State Route 156 and the Henrico/Charles City County Line, proceeding south along State Route 5/156 to the intersection with State Route 106/156, proceeding south along Route 106/156 to the intersection with the Prince George/Charles City County line, proceeding west along the Prince George/Charles City County line to the intersection with the Chesterfield/Charles City County line, proceeding north along the Chesterfield/Charles City County line to the intersection with the Henrico/Charles City County line, proceeding north along the Henrico/Charles City County line to State Route 156.	.....	Nonattainment		
* * * * *				
AQCR 225 State Capital Intrastate (Remainder of) Charles City County (part)  Remainder of county	.....	Unclassifiable/ Attainment		
* * * * *				

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

\* \* \* \* \*  
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**40 CFR Part 261**

[SW-FRL-5318-5]

**Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Amendment**

AGENCY: Environmental Protection Agency.

**ACTION:** Final rule and correcting amendments.

**SUMMARY:** The Environmental Protection Agency ("EPA" or "the Agency") is correcting Part 261, Appendix IX, Table 1 by re-adding the final conditional exclusion previously granted to Envirite Corporation (Envirite). EPA inadvertently removed the entire entry of Envirite's exclusion from Appendix IX, while the Agency only intended to amend the second column of the entry by removing the words "Thomaston, Connecticut" (see 59 FR 5725, February 8, 1994). The Agency is also making a

conforming change to Part 261, Appendix IX, Table 2 by removing the words "Thomaston, Connecticut" from the second column of the Envirite's entry.

**EFFECTIVE DATE:** October 23, 1995.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline, toll free at (800) 424-9346 or at (703) 412-9810. For technical information, contact Shen-yi Yang, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260-1436.

**SUPPLEMENTARY INFORMATION:**

**I. Background Information**

§§ 260.20 and 260.22 provide a delisting petition procedure, allowing facilities to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. Based on waste specific information provided by the petitioner, EPA determines whether certain solid wastes generated by the facility can be excluded from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

On November 14, 1986, EPA granted final conditional exclusions to Envirite's commercial waste treatment facilities located in Canton, Ohio; Harvey, Illinois; Thomaston, Connecticut; and York, Pennsylvania (51 FR 41323).

Envirite's treatment residues, provided all the conditions of exclusion are met, are no longer subject to hazardous waste regulations. Envirite's exclusions for wastes from non-specific sources (i.e., EPA Hazardous Waste Numbers: F006-F009, F011, F012, F019) and specific sources (i.e., EPA Hazardous Waste Numbers: K002-K008, K062) are listed in Table 1 and Table 2 of Part 261, Appendix IX, respectively.

On May 31, 1990, Envirite's Thomaston, CT facility ceased to generate the excluded wastes. Thereafter, EPA published a Federal

Register notice to inform the public about the change to Envirite's exclusion (as well as changes to exclusions for other facilities) (see 59 FR 5725, February 8, 1994). While the Agency only intended to amend the second column of the entries for Envirite in both Tables 1 and 2 of Appendix IX, by removing the words "Thomaston, Connecticut", the Agency inadvertently removed the entire entry for Envirite from Table 1, and made no change to Table 2 of Appendix IX, Part 261.

Therefore, this notice is correcting Part 261, Appendix IX, Table 1 by re-adding the final conditional exclusion granted to Envirite Corporation (Envirite) on November 14, 1986, and also deleting the words "Thomaston, Connecticut" from the second column of the Envirite's entries in Table 1 and Table 2 of Part 261, Appendix IX.

**II. Effective Date**

This notice is correcting the errors made to Appendix IX of Part 261. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six-months when the regulated community does not need the six-month period to come into compliance. As described above, the affected facility has ceased generation of the delisted waste, and changes in the status of Envirite's exclusion are effective February 8, 1994 (see 59 FR

5725). Therefore, a six-month delay in the effective date is not necessary in this case. The above reasons provide a basis for making this correcting amendment effective immediately upon publication under the Administrative Procedures Act, pursuant to 5 U.S.C. 5531(d).

**List of Subjects in 40 CFR Part 261**

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. § 6921(f).

Dated: September 25, 1995.

Elizabeth A. Cotsworth,

*Acting Director, Office of Solid Waste.*

For the reasons set out in the preamble, 40 CFR part 261 is corrected as follows:

**PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. Table 1 in Appendix IX of Part 261 is amended by adding an entry for the Envirite Corporation in alphabetical order to read as follows:

**Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22**

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
* Envirite Corporation	* Canton, Ohio; Harvey, Illinois; York, Pennsylvania.	* Dewatered wastewater sludges (EPA Hazardous Waste No. F006) generated from electroplating operations; spent cyanide plating solutions (EPA Hazardous Waste No. F007) generated from electroplating operations; plating bath residues from the bottom of plating baths (EPA Hazardous Waste No. F008) generated from electroplating operations where cyanides are used in the process; spent stripping and cleaning bath solutions (EPA Hazardous Waste No. F009) generated from electroplating operations where cyanides are used in the process; spent cyanide solutions from salt bath pot cleaning (EPA Hazardous Waste No. F011) generated from metal heat treating operations; quenching wastewater treatment sludges (EPA Hazardous Waste No. F012) generated from metal heat treating where cyanides are used in the process; wastewater treatment sludges (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after November 14, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned waste. This testing program must meet the following conditions for the exclusion to be valid: (1) Each batch of treatment residue must be representatively sampled and tested using the EP Toxicity test for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury exceeds 0.0126 ppm; or nickel levels exceed 2.205 ppm; the waste must be retreated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
*	*	<p>(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(3) Each batch of waste must be tested for the total content of specific organic toxicants. If the total content of anthracene exceeds 76.8 ppm, 1,2-diphenyl hydrazine exceeds 0.001 ppm, methylene chloride exceeds 8.18 ppm, methyl ethyl ketone exceeds 326 ppm, n-nitrosodiphenylamine exceeds 11.9 ppm, phenol exceeds 1,566 ppm, tetrachloroethylene exceeds 0.188 ppm, or trichloroethylene exceeds 0.592 ppm, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.</p> <p>(4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using GC/MS analysis for the compounds listed in #3 above as well as the remaining organics on the priority pollutant list. (See 47 FR 52039, November 19, 1982, for a list of the priority pollutants.)</p> <p>(5) The data from conditions 1–4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail semi-annually. The Agency will review this information and if needed will propose to modify or withdraw the exclusion.</p> <p>The organics testing described in conditions 3 and 4 above are not required until six months from the date of promulgation. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at these facilities applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition. The exclusion does not apply to the proposed process additions described in the petition as recovery including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange.</p>
*	*	*

3. Table 2 in Appendix IX of Part 261 is amended by removing the words "Thomaston, Connecticut" from the second column of the entry for the "Envirite Corporation".

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 95-71; RM-8632]

**Radio Broadcasting Services; Pasco, WA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Martin L. Gibbs, allots Channel 229A at Pasco, Washington, as the community's third local commercial FM transmission service. See 60 FR 29817, June 6, 1995. Channel 229A can be allotted to Pasco in compliance with the Commission's minimum distance

separation requirements with a site restriction of 12.6 kilometers (7.8 miles) southwest to avoid a short-spacing to the licensed site of Station KDRK-FM, Channel 229C, Spokane, Washington. The coordinates for Channel 229A at Pasco are North Latitude 46-09-37 and West Longitude 119-13-07. Since Pasco is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained. With this action, this proceeding is terminated.

**DATES:** Effective November 30, 1995. The window period for filing applications will open on November 30, 1995 and close on January 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-71, adopted October 4, 1995, and released October 16, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference

Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

**PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

Authority: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Channel 229A at Pasco.